

# **EXHIBIT F**

Josef Fuerlinger  
December 3, 2004

**COPY**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THERESA MARIE SIMEONE,           )  
Personal Representative           )  
of the Estate of Albert           )  
Francis Simeone, Jr.,            )  
Deceased, and THERESA           )  
MARIE SIMEONE, In Her Own       )  
Right, and MARY ANN             )  
LENGYEL, Personal                )  
Representative of the             )  
Estate of George Lengyel,        )  
Deceased, and MARY ANN           )  
LENGYEL, In Her Own Right       )  
                                      )  
                                      ) CIVIL ACTION NO. 02CV4852  
                                      )  
Plaintiffs,                         )  
                                      )  
vs.                                    ) JURY TRIAL DEMANDED

Josef Fuerlinger  
December 3, 2004

)  
BOMBARDIER-ROTAX GmbH, )  
et al. )  
)  
\_\_\_\_ Defendants. \_\_\_\_)

ORAL DEPOSITION

JOSEF FUERLINGER

December 3, 2004

ORAL DEPOSITION OF JOSEF FUERLINGER, produced as  
  
a witness at the instance of the Plaintiffs and duly  
  
sworn, was taken in the above-styled and numbered  
  
cause on the 3rd day of December, 2004, from 9:43  
  
a.m. to 5:26 p.m., before Michelle Hartman-Solari,  
  
Certified Shorthand Reporter and Registered  
  
Professional Reporter, reported by computerized

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1 of Civil Procedure and the provisions stated on the  
2 record or attached hereto.

3

4

APPEARANCES

5

FOR PLAINTIFFS:

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23

ALSO PRESENT:

24

Mag. Renate Huber-Scheinecker, Interpreter

25

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1 to finish my questions. Okay?

2 A. Okay, yes.

3 Q. Our goal here is to get a complete and  
4 accurate testimony. So, again, if you have any  
5 questions during the deposition, please don't  
6 hesitate to ask me. Okay?

7 A. Yes.

8 Q. If at any time during the deposition you  
9 need a break, please just ask. Okay?

10 A. Thank you.

11 Q. Okay. Mr. Fuerlinger, I'm going to show  
12 you what's marked as Exhibit A. This is the notice  
13 of deposition that we provided to Bombardier-Rotax  
14 for this case. Have you seen this document before?

15 (Witness reads document)

16 THE WITNESS: Yes.

17 Q. (BY MR. CERSKI): Okay. And with the  
18 deposition of --

19 MR. CERSKI: Is it 8 and 9?

20 MR. KELLY: I think -- oh, they're  
21 together. It's two in a row.

22 MR. CERSKI: Yeah, 8 and 9.

23 Q. (BY MR. CERSKI): With the exception of 8  
24 and 9, which pertain to lawsuits which I will not be  
25 asking you questions about today, are you here today

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1 to testify on behalf of Bombardier-Rotax with regard  
2 to the areas that are outlined in that deposition  
3 notice?

4 A. That's correct.

5 Q. And do you possess the necessary knowledge  
6 to testify with regard to those --

7 A. I'll do my best efforts.

8 Q. And you agree to testify here on behalf of  
9 Bombardier-Rotax today?

10 A. Yes.

11 Q. From this point forward, do you mind if I  
12 just use the term "Rotax" to describe  
13 Bombardier-Rotax, which I think is now BRP Rotax?

14 MR. KELLY: I think we will agree to  
15 that.

16 THE WITNESS: Yes.

17 Q. (BY MR. CERSKI): Are you taking any  
18 medications that would prevent you from truthfully  
19 testifying here today?

20 A. No.

21 Q. Should you be taking any medications that  
22 would allow to truthfully testify?

23 A. No.

24 Q. Is there any reason why you cannot  
25 truthfully or completely testify today?

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1 A. There's no reason.

2 Q. Without divulging conversations that you  
3 may have had between yourself and Mr. Kelly or  
4 your -- or Bombardier's -- I should say Rotax's other  
5 attorneys --

6 (Knock at deposition door)

7 MR. KELLY: For water.

8 (Discussion off the record)

9 MR. CERSKI: I will repeat my  
10 question, at least the first part of it.

11 Q. (BY MR. CERSKI): Without divulging any  
12 conversations that you may have had between yourself  
13 and Rotax's attorneys, what did you do to prepare for  
14 this deposition today?

15 A. I reviewed today the document of  
16 Appendix A, and I got the preparation in talking with  
17 my attorney.

18 MR. KELLY: When he says "appendix,"  
19 he means --

20 MR. CERSKI: He means this document,  
21 yeah.

22 Q. (BY MR. CERSKI): Did you review any  
23 documents before coming here, other than Exhibit A?

24 A. I had a look on the contract of -- the  
25 distributor contract between Rotax and our authorized

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1 Q. Okay. Thank you. What's your address?

2 MR. KELLY: Well, he -- I don't think  
3 it's necessary for him to divulge his personal  
4 address. He's an employee of Rotax.

5 Q. (BY MR. CERSKI): Okay. Can you give me the  
6 formal address, the mailing address. If I wanted to  
7 send something to Rotax, what's the mailing address  
8 of Rotax?

9 A. It's -- it's 4623, Gunskirchen,  
10 Welserstrasse Street No. 1.

11 Q. Okay. Let's just talk briefly about your  
12 educational background. Did you -- did you attend  
13 college?

14 A. In Austria we have a different education  
15 program and maybe different names --

16 Q. Okay.

17 A. -- as the definition of what you  
18 reference.

19 Q. Why don't you explain to me, then, what  
20 your educational background is.

21 A. I went -- I started with the beginning of  
22 my education, I went into the primary and  
23 secondary -- secondary schools in Austria; and later  
24 on I went to a special program where -- which is an  
25 engineering program to get my engineering degree.

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1 And that was a five-years program after I got the --  
2 it is finished.

3 Q. Does the degree have a name? For example,  
4 in the United States a degree may be called a  
5 bachelor's degree or a master's degree or a doctorate  
6 degree. Does the degree have a name in Austria?

7 A. Engineer.

8 Q. So it's just a degree in engineering?

9 A. Yeah.

10 Q. And did you have -- after you received your  
11 degree in engineering, did you get any further  
12 schooling?

13 A. I went through some special program  
14 training, some on -- for different areas.

15 Q. Areas at Rotax or areas independent of  
16 Rotax?

17 A. Independent.

18 Q. Can you just give me maybe a list of those  
19 areas.

20 A. A special education program for a welding  
21 engineer and some of the cost calculation programs  
22 for reference.

23 Q. Okay. Let's talk about your work history.

24 How long have you been with Rotax?

25 A. Since beginning of 1990.

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1 Q. Research and development?

2 A. At this given time frame when we started  
3 there was standard products where we had not  
4 integrated their research because there was no  
5 research program available.

6 Q. How about an engineering department?

7 A. What is your engineering department?

8 Q. What I'm referencing is: Did you have a  
9 department of engineers that reported to you as a  
10 vice president for Rotax aircraft engines?

11 A. This has been integrated or established --  
12 or I would say established later during the time when  
13 I was in charge of the Rotax aircraft engine.

14 Q. Can you give me a time frame.

15 A. Well, roughly 2001.

16 Q. And did you have a department or a person  
17 who worked directly for you that communicated with  
18 governmental authorities, such as the FAA or the  
19 Austrian equivalent?

20 A. We don't have a person within the quality  
21 department which did -- within the normal course of  
22 business with the Austrian authority communication  
23 because there is only one central point for us for  
24 certification programs if we do such.

25 Q. Any other departments that we haven't

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1 talked about here this morning that reported to you  
2 as vice president for Rotax aircraft engines?

3 A. Not I'm recalling any.

4 Q. Okay. If at any time during the deposition  
5 you do recall or you just want to let me know, feel  
6 free to do that; and if you think of one and it pops  
7 into your head and you go, oh, that was it, you could  
8 just let me know that at the time.

9 As director of new business  
10 development, is this specifically for the Rotax  
11 aircraft engines, or is this now specifically for  
12 Rotax in general?

13 A. It's specific for everything else, what  
14 Rotax does today. It's basically out of the normal  
15 scope of business where Rotax is in.

16 Q. Okay.

17 A. I hope this is the right definition.

18 Q. So when you're the director of new business  
19 development, it's for all of Rotax's engines,  
20 products, everything at Rotax?

21 A. As the definition stands for, I'm looking  
22 for new business opportunities where Rotax is not yet  
23 in as of today.

24 Q. Okay. Give me a broad definition of what  
25 Rotax does.

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1 A. Rotax is a manufacturer of a two-stroke and  
2 four-stroke gasoline engine.

3 Q. And who are Rotax's customers?

4 MR. KELLY: Just as we proceed, I want  
5 everyone to understand that your questions, although  
6 posed in the present tense, are set within a time  
7 frame of 1998 --

8 MR. CERSKI: Through 2002.

9 MR. KELLY: -- through 2002.

10 MR. CERSKI: Yes.

11 MR. KELLY: Do you understand that?

12 THE WITNESS: 1998?

13 MR. KELLY: 1998 -- five years: 1998,  
14 '99, 2000, 2001, 2002.

15 THE WITNESS: Thank you for the  
16 clarification.

17 MR. CERSKI: Sure.

18 MR. KELLY: And if you need to hear  
19 the question again because I jumped in there, maybe  
20 the court reporter will read it back.

21 THE WITNESS: Yes, please.

22 (The record was read as requested)

23 MR. KELLY: Do you want each name, or  
24 do you want a general array of types of customers?

25 Q. (BY MR. CERSKI): Well, why don't you start

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1 A. They would cover it.

2 Q. Okay. And Aprilia and BMW, do they  
3 purchase spare parts?

4 A. Yes.

5 Q. Let's talk a little bit about the governing  
6 structure of Rotax. Do you understand my question?

7 A. Yes.

8 Q. Okay. Who runs -- and when I say "who," I  
9 mean title, the person.

10 Who runs Rotax at the top on a  
11 day-to-day basis?

12 MR. KELLY: Title.

13 THE WITNESS: Geschaetsfuehrer.

14 THE INTERPRETER: It's translated  
15 either as manager director or as general manager.

16 Q. (BY MR. CERSKI): And who was that person  
17 during 1998 to 2002?

18 A. There have been certain changes in the  
19 period of time.

20 Q. Okay. Can you tell me who -- I mean how  
21 many changes?

22 A. By my recollection, three.

23 Q. Okay. Can you tell me who those three  
24 people were?

25 A. Mr. Lucea, Mr. Lewis and Mr. Ploeckinger.

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1 Q. Does this general manager report to  
2 someone?

3 A. What is the definition of "someone"?

4 Q. Okay. Does it -- does he or she have a  
5 boss?

6 MR. KELLY: Do you mean an individual?  
7 Because --

8 MR. CERSKI: Yeah, I mean --

9 MR. KELLY: -- you already asked who  
10 the top person was.

11 MR. CERSKI: I understand that.

12 Q. (BY MR. CERSKI): Well, I guess what I'm  
13 asking is --

14 MR. KELLY: Who does that person  
15 report to?

16 Q. (BY MR. CERSKI) -- who do they report to?  
17 Are they the end-all or do they report to someone  
18 else, for example, someone at BRP, the division at  
19 that time?

20 A. Rotax -- I mean Bombardier-Rotax GmbH is an  
21 Austrian corporation fully under Austrian law and,  
22 therefore, the general manage --

23 THE WITNESS: General managing  
24 director? How do you say?

25 THE INTERPRETER: General manager,

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1 Q. Well, how about of the 5,000, how many --  
2 how many engines on average are certified?

3 A. Two percent, roughly. In a magnitude.

4 Q. And how many distributors of certified  
5 engines do you have?

6 A. Sorry, sir. Can you say that again.

7 Q. Sure.

8 (Interpreter interprets)

9 THE WITNESS: We make no distinction  
10 with -- between certified and non-certified  
11 distributor.

12 Q. (BY MR. CERSKI): Well, you do as it relates  
13 to the United States because Kodiak does uncertified  
14 engines, whereas Rotech has the certified market for  
15 the United States.

16 MR. KELLY: Is there a question?

17 Q. (BY MR. CERSKI): Yeah. So the question is:  
18 Is that the only -- with regards to the territory for  
19 the United States, the only distinction where you  
20 actually make a difference between certified and  
21 uncertified?

22 MR. KELLY: Objection in that it's  
23 your testimony at this point that -- so I'm just  
24 suggesting --

25 MR. CERSKI: That's fine.

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1 MR. KELLY: I'm just suggesting that  
2 you ask him if that's the case.

3 MR. CERSKI: Sure.

4 MR. KELLY: And then you can proceed.

5 MR. CERSKI: Sir --

6 MR. KELLY: You don't have to show him  
7 the contract, just ask it.

8 MR. CERSKI: Yeah, I'll ask him.

9 Q. (BY MR. CERSKI): Does Rotech -- does Rotech  
10 distribute certified engines to the United States?

11 A. I don't know.

12 MR. CERSKI: I'm going to mark the  
13 Kodiak contract as Exhibit 20, the Rotech contract as  
14 Exhibit 21.

15 For the court reporter it's  
16 R-O-T-E-C-H, if you're --

17 THE COURT REPORTER: Thanks.

18 Q. (BY MR. CERSKI): Under the definition  
19 section on both of these documents there's a  
20 reference to territory, and the question is: On the  
21 Rotech document it specifically says that Rotech is a  
22 distributor for Canada and for the United States as  
23 to certified engines, and I believe that the Kodiak  
24 document territory refers to Kodiak being a  
25 distributor for the United States for uncertified

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1 MR. CERSKI: Oh, I'm sorry. I'm not  
2 sure. I just assumed it would be in these contracts.

3 THE WITNESS: And according to the  
4 contract, he can distribute the products which are  
5 listed in the Appendix A.

6 MR. CERSKI: This is Rotech. This is  
7 Kodiak.

8 THE WITNESS: And in the Kodiak  
9 Research there is also listed the product under the  
10 Exhibit A.

11 Q. (BY MR. CERSKI): And they appear to be both  
12 the same?

13 A. And they are both the same.

14 Q. Okay. Then my question is -- if you can  
15 flip back to the front. Actually, can I have the  
16 contract real quick.

17 (Witness complies)

18 MR. KELLY: This is --

19 Q. (BY MR. CERSKI): Now, in 2001, you were the  
20 vice president for the aircraft engines; is that  
21 correct?

22 A. That's correct.

23 Q. So, since -- when you were vice president,  
24 this contract was entered into, why is there a  
25 distinction made in the territory section as it

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1 relates to the United States?

2 MR. KELLY: The territory section  
3 being what section?

4 MR. CERSKI: Section one definition --  
5 or section definitions two. That's what this is.

6 (Mr. Cerski indicates)

7 THE WITNESS: My recollection is that  
8 because he asked for it, to get the certified market.

9 Q. (BY MR. CERSKI): Does that mean that  
10 they're -- does that mean that Kodiak and Rotech both  
11 serve the certified market for the United States?

12 A. There's no restriction on the Kodiak  
13 Research, Limited, Nassau, Bahamas, contract.

14 Q. Okay. So that would mean that there are  
15 two distributors who can certify engines in the  
16 United States, at least two that we see right here?

17 A. Yes.

18 Q. What are Rotax's markets?

19 MR. KELLY: Object to the form.

20 THE WITNESS: Rotax sells product  
21 ex-works to some customers such as Bombardier, Inc.,  
22 or BMW.

23 Q. (BY MR. CERSKI): But what do you consider  
24 your market to be? Who are you targeting?

25 MR. KELLY: Object to the form.

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1 THE WITNESS: Rotax makes engines for  
2 special applications such as in watercrafts or  
3 motorcycling or aircraft.

4 Q. (BY MR. CERSKI): Okay. Let's talk  
5 specifically right now with regard to the aircraft  
6 engines. What are your markets for the aircraft  
7 engines?

8 MR. KELLY: Object to the form. What  
9 do you mean by "market?"

10 MR. CERSKI: Market, I mean a  
11 territory --

12 MR. KELLY: Do you mean a geographical  
13 territory? Do you mean --

14 MR. CERSKI: Yeah. What countries,  
15 what areas does he consider a market from a marketing  
16 perspective?

17 Q. (BY MR. CERSKI): In your development of new  
18 business, if you were trying to develop new business  
19 in the aircraft section, what markets would you look  
20 to to develop that business? So what are your  
21 markets? That's what I'm interested in.

22 MR. KELLY: Object to the form.

23 THE WITNESS: Rotax makes engines  
24 for -- as I said before, for different applications.  
25 And taking the aircraft engines, Rotech has

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1 Q. No, I understand that. But who decides  
2 who's going to get what territory?

3 MR. KELLY: I think he answered, and I  
4 think you changed the question a little bit but  
5 that's -- I don't want to repeat his answer, but it  
6 was the answer that he just gave.

7 Q. (BY MR. CERSKI): Who wrote this contract?

8 A. A lawyer.

9 Q. Did Rotax write this contract?

10 A. It was a lawyer hired by Rotax who wrote  
11 the contract.

12 Q. For Rotax?

13 A. For Rotax.

14 Q. And this area called "Territory," who  
15 decided what the area was going to be?

16 A. That's a result of the mutual discussion  
17 between Rotax and the distributor.

18 Q. Will Rotax -- strike that. I'm going to  
19 give you a hypothetical.

20 If I wanted to become a distributor of  
21 Rotax engines for the United States, could I be,  
22 assuming I meet the qualifications?

23 MR. KELLY: Object to form.

24 THE WITNESS: We have a very long  
25 business relationship with Rotax Research --

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1 MR. KELLY: Object to the form.

2 THE WITNESS: I have difficulties to  
3 understand the intent of the question.

4 THE INTERPRETER: You want it in  
5 German? Do you know what it means?

6 (Translator and witness confer in  
7 German)

8 THE INTERPRETER: Mr. Fuerlinger asked  
9 what it means, what the question means, but doesn't  
10 understand the intention behind the question.

11 Q. (BY MR. CERSKI): All I simply want to know  
12 is who -- well, let me ask it this way: Was it  
13 Rotax's decision to establish a distribution network  
14 of distributors?

15 A. Yes.

16 Q. And Rotax does not have to grant anyone an  
17 authorized distributorship?

18 MR. KELLY: Question?

19 Q. (BY MR. CERSKI): Is that correct?

20 A. That's correct.

21 Q. Are Rotax engines available for purchase in  
22 the United States?

23 A. Yes.

24 Q. Do you know where they're available for  
25 purchase?

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1 A. That's my definition.

2 Q. Okay. And then the -- the service centers  
3 that are in the United States, are they the locations  
4 where Rotax engines are available for purchase in the  
5 United States?

6 A. Might be. Yes.

7 Q. Okay.

8 MR. KELLY: I think the problem is  
9 location. Off the record. Or keep it on the record.  
10 Location as you walk into a store and buy one, it's  
11 kind of beside the point of how one goes about  
12 purchasing one of these. Location, store, you know.

13 MR. CERSKI: I see what you're saying.  
14 As opposed to calling them up or e-mailing or  
15 whatever.

16 MR. KELLY: Right.

17 Q. (BY MR. CERSKI): Are the service centers  
18 the mechanism by where someone in the United States  
19 would purchase a Rotax engine?

20 A. Could be one area where an end user may or  
21 may not purchase an engine.

22 Q. Are there other areas where they could  
23 purchase aircraft engines?

24 A. Might be. It could be purchase engines  
25 outside of the U.S.

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1 Q. But inside the U.S.?

2 A. I don't know.

3 Q. Could the -- could a United States citizen  
4 call up Rotax and purchase an engine?

5 A. No.

6 Q. They have to go through the distributor; is  
7 that correct?

8 A. Rotax sells only engines to the authorized  
9 distributor.

10 Q. So if you want to purchase a new engine  
11 from Rotax, you have to go through one of the  
12 authorized distributors, right?

13 A. Correct.

14 Q. So if the authorized distributors set up a  
15 dealer network in the United States, then you would  
16 need to go to the dealers to get the engine from  
17 Kodiak to get it from Rotax; is that correct?

18 A. Rotax has no control over how authorized  
19 distributors set up his distribution network within  
20 his given territory.

21 Q. Other than what's specifically articulated  
22 in the contract?

23 A. As defined in the contract.

24 Q. Okay. Other than aircraft engines, are --  
25 are Rotax engines incorporated into products that are

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1     were -- were very heavily changed due to the  
2     September 11 impact, so the economics has been  
3     totally changed.

4           Q.     Okay. But this -- this contract was  
5     entered into in 1998, wasn't it?

6           A.     2001.

7           Q.     Was it 2001?

8           A.     (Nods.)

9           Q.     Okay. Well, since then have -- has Rotax  
10    established minimum sales for both Kodiak and Rotech?

11          A.     No.

12          Q.     And the reason for that is because of  
13    September 11th?

14          A.     And the economical drastic change.

15          Q.     As a result of September 11th?

16          A.     Correct.

17          Q.     So is it fair to say that Rotax recognizes  
18    that after September 11th, the United States economy  
19    has gone on a downward -- has gone downward?

20          A.     That's what I don't say (sic,) I think the  
21    whole economic after September 11th has been changed.  
22    The worldwide economic has been changed.

23          Q.     Okay. Now, do you analyze -- does Rotax  
24    analyze the sales of its distributors? Meaning --  
25    let me explain it a little bit first.

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1 Q. (BY MR. CERSKI): Is there any training  
2 involved when you become a distributor from Rotax?

3 A. Rotax does provide training to the  
4 authorized distributor in Austria.

5 Q. Is it a single training course, or is it  
6 multiple training that happens year after year?

7 A. Rotax offers this on a regular base --

8 Q. For --

9 A. -- to the authorized distributor.

10 Q. Okay. Do you publish a distributor list?

11 A. What do you mean with publish?

12 Q. Meaning how do you -- how do you let end  
13 users know that there's a distributor available?

14 A. In any engine delivery which is sold  
15 ex-works of Rotax, there is documentation included,  
16 such as operator's manuals and others. In this is  
17 defined also included the current status of the  
18 authorized Rotax distributor.

19 Q. Okay. And if I was back home in the United  
20 States in Pennsylvania and I wanted to buy a Rotax  
21 engine, how would I know to go -- how would I know  
22 where to go? Is there a list provided elsewhere, on  
23 your website or anywhere else?

24 A. There is a Rotax aircraft engine website  
25 which provides technical information and supporting

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1 of purchase orders, invoices of each purchase  
2 order --

3 Q. Uh-huh.

4 A. -- on the -- of the authorized  
5 distributors.

6 Q. Have you had correspondence with Rotech or  
7 Kodiak as it relates to the sale of engines, meaning  
8 their sale of engines?

9 A. You mean their sales?

10 Q. Their sales, yeah. Their productivity.

11 (Interpreter interprets)

12 THE WITNESS: No.

13 MR. CERSKI: It's a good time for a  
14 break.

15 MR. KELLY: Okay.

16 (Recess taken)

17 Q. (BY MR. CERSKI): Can you name for me  
18 Kodiak's dealers or service centers in the United  
19 States?

20 A. By my best recollection -- and I don't know  
21 if it's accurate, because I'm not anymore involved in  
22 the aircraft business -- I think it's LEAF, CPS,  
23 California Power Systems, and there must be in a  
24 total four or five.

25 Q. Okay. And have you ever met any of the

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1 engines, maintenance service for the engines; is that  
2 correct?

3 A. This is what the con -- what I read out of  
4 the duties of the distributors, but my understanding  
5 is they should be able to carry out maintenance work  
6 or repair work on engines.

7 Q. Okay. Would you say that the -- that the  
8 distributors act as a liaison between Rotax and the  
9 end user?

10 MR. KELLY: Object to the form.

11 THE WITNESS: The authorized  
12 distributor of Rotax aircraft engines is a total  
13 independent organization, corporation of a company,  
14 which performs -- he does business on his own and he  
15 is -- on his own responsibility.

16 Q. (BY MR. CERSKI): But doesn't the  
17 distributor do things that Rotax would generally do  
18 if the distributor did not exist?

19 MR. KELLY: Object to the form.

20 THE WITNESS: Um --

21 MR. KELLY: You know, I've been pretty  
22 reasonable about hypothetical questions today since  
23 this was supposed to be a fact-based deposition, but  
24 I really don't see how he should be required to  
25 answer a question about what would happen if Kodiak

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1 THE INTERPRETER: Withstands.

2 Q. (BY MR. CERSKI): Does Rotax believe it's in  
3 their distributor's best interest to sell the engines  
4 at the suggested retail price?

5 THE INTERPRETER: Could you repeat the  
6 question. I didn't hear it.

7 MR. CERSKI: Sure.

8 Q. (BY MR. CERSKI): Does Rotax believe that  
9 selling its engines at the suggested retail price is  
10 in the best interest of its distributors?

11 (Interpreter interprets)

12 THE WITNESS: It is used just as a  
13 general guideline as suggested to nonbinding  
14 recommended retailers and has no binding obligation  
15 to the authorized distributor, and he can define to  
16 which price he may want to sell or may not want to  
17 sell a product.

18 Q. (BY MR. CERSKI): How many distributors per  
19 aircraft engine do you have throughout the world?

20 A. Around the world, approximately between 30  
21 to 35.

22 Q. Who is the -- what distributor is the  
23 number one seller of aircraft engines?

24 A. In regards to what?

25 MR. KELLY: Who has the most sales?

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1 the advertising.

2 Q. I mean with regard to the products.

3 A. Not that I'm aware.

4 Q. Have you ever been to the trade show named  
5 Sun 'n Fun in Florida?

6 A. Yes.

7 Q. And were you there on behalf of Rotax?

8 A. I was on a personal behalf there.

9 Personal.

10 Q. Personal behalf.

11 At that trade show did -- was there a  
12 Kodiak stand?

13 A. I was only a very few times there. I don't  
14 really recall.

15 Q. Do you ever recall a red camper with Rotax  
16 on the front of it, being stamped on the front?

17 (Interpreter interprets)

18 THE WITNESS: A few times. If you can  
19 maybe help me or show me something, maybe I --

20 Q. (BY MR. CERSKI): I don't have a picture.  
21 But like a canopy for a booth.

22 MR. KELLY: Tent.

23 MR. CERSKI: Tent.

24 (Interpreter interprets)

25 Q. (BY MR. CERSKI): For a booth and then

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1 underneath would be a display of Rotax engines.

2 A. I may have seen one, but I don't know how  
3 it looked like.

4 Q. Okay. Does Rotax advertise in the United  
5 States national publications?

6 A. No.

7 Q. Your distributors are permitted to  
8 advertise within the United States; is that correct?

9 A. As is defined in the contract.

10 Q. Do you not restrict them in any way?

11 A. No.

12 Q. We talked about earlier how the contracts  
13 refer to Rotax approving ads that the distributors  
14 are going to place. Do you remember that?

15 A. Yes.

16 Q. Is there such an agreement with BMW and  
17 Aprilia if they're going to use the Rotax name?

18 A. If they would use the Rotax name, I would  
19 assume there would be an agreement in place.

20 Q. These are probably pretty quick ones.

21 Do you ever do direct marketing in the  
22 United States?

23 A. No.

24 Q. Have you ever sent, either in a block or  
25 individually, e-mails to end users in the United

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1 A. I don't know.

2 Q. You don't know. Okay.

3 Have there been other events that  
4 you're aware of with American press that -- well, I  
5 will ask you: Have there been other events that you  
6 have been involved in with American Press coming to  
7 Rotax?

8 A. No.

9 Q. Do you know what the Rotax Owners  
10 Association is?

11 A. No.

12 Q. Is the Rotax Owners Association a part of  
13 Rotax?

14 A. No.

15 Q. Do you receive any correspondence from the  
16 Rotax Owners Association?

17 A. No.

18 Q. They don't -- you've never -- have you  
19 received any lists of members of the Rotax Owners  
20 Association?

21 A. No.

22 Q. Let's go through some of these others  
23 quickly.

24 Have you ever paid taxes in  
25 Pennsylvania?

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1 A. No.

2 Q. Have you ever dealt with a manufacturer to  
3 purchase component parts located in Pennsylvania?

4 A. I don't know.

5 Q. Have you dealt with component part  
6 manufacturers in the United States?

7 A. Might be the case.

8 Q. Do you remember any of those component part  
9 manufacturers?

10 A. No.

11 Q. Does Rotax own any land in Pennsylvania?

12 A. No.

13 Q. Licensed to do business in Pennsylvania?

14 A. No.

15 Q. Any bank accounts in Pennsylvania?

16 A. No.

17 Q. Any liens against a Pennsylvania resident?

18 (Interpreter interprets)

19 THE WITNESS: No.

20 Q. (BY MR. CERSKI): Has Bombardier ever sued  
21 someone in Pennsylvania?

22 A. I don't know.

23 Q. Has Rotax ever sued someone in  
24 Pennsylvania?

25 A. No.

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1 Q. Does Rotax own any stock in a Pennsylvania  
2 corporation?

3 A. No.

4 Q. Does Rotax own any stock in any United  
5 States corporation?

6 A. No.

7 Q. Does Rotax lease any property or facilities  
8 in Pennsylvania?

9 A. No.

10 Q. Has Rotax -- did Rotax attend this year's  
11 AOPA convention that was held in Pennsylvania?

12 MR. KELLY: This year's?

13 MR. CERSKI: Yeah. It was in  
14 Philadelphia.

15 MR. KELLY: That's outside of the time  
16 frame you referenced. You just have to --

17 MR. CERSKI: Sure.

18 Q. (BY MR. CERSKI): Has Rotax ever sent  
19 representatives to trade shows that were held in  
20 Pennsylvania?

21 A. No.

22 Q. Air shows in Pennsylvania?

23 A. No.

24 Q. Has Rotax ever conducted seminars in  
25 Pennsylvania?

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counsel employed by the parties hereto or financially  
interested in the action.

SUBSCRIBED AND SWORN TO under my hand and seal  
of office on this the 15<sup>th</sup> day of December, 2004.

Michelle Hartman-Solari

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